

**COCHISE COUNTY PLANNING & ZONING COMMISSION**  
**FINAL MINUTES**  
**Wednesday, November 13, 2013**  
**REGULAR MEETING at 4:00 p.m.**

The regular meeting of the Cochise County Planning and Zoning Commission was called to order at 4:00 p.m. by Vice-Chair Martzke at the Cochise County Complex, 1415 Melody Lane, Building G, Bisbee, Arizona in the Board of Supervisors' Hearing Room.

Due to the vacancy of the Chair, Vice-Chair Martzke chaired the meeting. He admonished the public to turn off cell phones, use the speaker request forms provided, and to address the Commission from the podium using the microphone. He explained the time allotted to speakers when at the podium. He then explained the composition of the Commission, and indicated there was one Special Use Docket, and one Regulation Docket on the Agenda. He explained the consequences of a potential tie vote and the process for approval and appeal.

**ROLL CALL**

Mr. Martzke noted the presence of a quorum and called the roll, asking the Commissioners to introduce themselves and indicate the respective District they represent; eight Commissioners (Tim Cervantes, Jim Lynch, Gary Brauchla, Ron Bemis, Liza Weissler, Pat Edie, Jim Martzke, and Joe Garcia) indicated their presence. Staff members present included Beverly Wilson, Planning Director; Michael Turisk, Planning Manager; Keith Dennis, Planner II; and Peter Gardner, Planner I.

**APPROVAL OF THE MINUTES**

**Motion:** Approve the minutes of the October 9, 2013 with typographical corrections.

**Action:** Approve **Moved by:** Mr. Lynch, **Seconded by:** Mr. Bemis

**Vote:** Motion passed (**Summary:** Yes = 7, No = 0, Abstain = 1)

**Yes:** Mr. Lynch, Mr. Cervantes, Mr. Bemis, Mr. Martzke, Ms. Weissler, Ms. Edie, Mr. Garcia

**No:** 0

**Abstain:** Mr. Brauchla

**CALL TO THE PUBLIC**

Mr. Martzke opened the "Call to the Public."

There being no one wishing to speak, Mr. Martzke closed the "Call to the Public."

**NEW BUSINESS**

**Item 1**

**Item 1 – Election of Chair and Vice-Chair**

Mr. Martzke explained that due to the resignation of Mr. Lynch as Chairman, a new Chair must be elected to fill the remainder of Mr. Lynch's term as Chair, until December 31. He then called for nominations. Mr. Lynch nominated Ms. Weissler, and Mr. Bemis seconded the nomination. There being no further nominations, Mr. Martzke declined to call for a vote, and Ms. Weissler was named Chair.

## **Item 2**

**PUBLIC HEARING -- Docket SU-13-18 (Overturf):** A Special Use request to use an existing single-family dwelling for a doctor's office and outpatient health clinic located at 10323 978 S. Lee Street in Saint David.

Chair Weissler called for the Planning Director's report. Planner I, Peter Gardner, presented the docket, explaining the background of the request utilizing photos, maps, and other visual aids. Mr. Gardner explained the opposition received from a neighbor, and explained Staff's assessment of the concerns given. He also addressed concerns expressed by ADOT regarding the site and explained Staff's analysis of the Special Use factors and explained requested Modifications. He closed by listing factors in favor of and against approval and invited questions from the Commission.

There being no questions for Staff, Ms. Weissler invited the Applicant to make a statement. Mr. Adam Overturf spoke, explaining the details of the request. He expanded on the lack of medical services in the immediate area and emphasized that the proposed use would serve the local community. He also explained the proposed mitigation measures regarding light and noise. He noted that he had received a number of signatures of support from neighbors, which he submitted to the Commission. (Attached as Item A.) He closed by asking for questions.

Ms. Weissler opened the Public Hearing. There being no one wishing to speak, Ms. Weissler closed the Public Hearing and asked for questions from the Commission. Mr. Bemis asked the Applicant about staffing numbers and levels of training. The Applicant explained that there would be one or two doctors on site.

Ms. Weissler then called for the Planning Director's summary and recommendation. Mr. Gardner recommended Conditional Approval and explained the Conditions and Modifications recommended by Staff. Ms. Weissler called for a motion. Mr. Bemis made a motion for Approval of the Special Use with Conditions and Modifications given by Staff. Mr. Martzke seconded the motion and Ms. Weissler asked for discussion. There being no discussion, Ms. Weissler called for a vote. The motion passed 8-0.

**Motion:** Motioned to grant the Special Use with the Conditions and Modifications as recommended by Staff.

**Action:** Approve with Conditions and Modifications **Moved by:** Mr. Bemis **Seconded by:** Mr. Martzke

**Vote:** Motion passed (**Summary:** Yes = 8, No = 0, Abstain = 0)

**Yes:** Mr. Lynch, Mr. Cervantes, Mr. Martzke, Mr. Bemis, Ms. Weissler, Ms. Edie, Mr. Martzke, and Mr. Garcia.

**No:** 0

**Abstain: 0**

**Item 3**

**PUBLIC HEARING -- Docket R-13-02:** A resolution that proposes revisions to Section 1820.02 of the Cochise County Zoning Regulations (Water Conservation Measures – Sierra Vista Sub-watershed Overlay Zone). The proposed revisions are intended to reflect more recent water conservation technologies for and methods of water conservation for uses within the Sierra Vista Sub-watershed.

Chair Weissler called for the Planning Director's report. Mr. Michael Turisk presented the docket, explaining the background of the proposed regulations and the rationale for the additions. He explained the background of the Sierra Vista Sub-Watershed overlay district that would be the area covered by the proposed regulations. Mr. Turisk explained the general intent of the proposed regulations and the potential water savings. He also explained the correspondence that Staff had received regarding the proposal, and the public response to the proposed amendments and provided two additional letters to the Commission (Attached as Item B). He closed by inviting questions from the Commission.

Mr. Bemis asked if a property being sold would trigger a requirement to bring an existing structure to the new regulations. Mr. Turisk explained that a rework of the plumbing system would require the system to be brought to the current code. He also noted that the regulations would supersede Building Code requirements. Mr. Bemis noted that the response did not answer his question and asked if when a property is sold if a new owner is "obligated to receive that property in an upgraded condition, or can it be transferred as it was grandfathered." Mr. Turisk clarified that the property could be transferred as is, and reiterated that a rework of the plumbing system would require the system to meet the new regulations. Mr. Bemis also expressed concern that the regulations gave final authority to the Zoning Inspector, and suggested changing the language to read "the County" as the authority rather than an individual. He expressed concern about an individual bringing forward a suggestion that the Zoning Inspector was not familiar with, or wished to appeal a decision, and expressed concern about personality conflicts and wanted a way to appeal decisions. He then stated that he was unaware how many Zoning Inspectors there are. Mr. Turisk explained that the Planning Director is the Zoning Inspector. He then asked Mr. Bemis for clarification regarding appeals. Mr. Bemis stated that he felt that the regulations should be subject to an appeals board and expressed concern about future Zoning Inspectors. Mr. Turisk explained that as the requirements were in the zoning regulations that a Variance could be applied for and the Boards of Adjustment could review an issue and make a decision.

Ms. Weissler opened the Public Hearing and asked if there were any members of the public wishing to speak in favor of or in opposition to the project.

Ms. Cado Daily, UA Water Wise, of Bisbee, spoke in favor. Ms. Daily explained her background with the Water Wise program and offered suggestions to modify the regulations to meet the same intent without specific requirements.

Mr. Robert Weissler, Executive Director for the Friends of the San Pedro River, of Hereford, spoke in favor.

Mr. Weissler expressed support on behalf of the Friends of the San Pedro and advocated for the regulations to protect the San Pedro River, and urged a mindset of water conservation County-wide. He stated that he felt protests based on concerns about over-regulation were "an excuse for incautious use of our precious water resources." Mr. Weissler expressed concern about wise water usage and management. He also stated that practical conservation equipment was available and affordable.

Mr. Douglas Behnke, of Sierra Vista, spoke in opposition. Mr. Behnke spoke regarding the Federal and State Constitutions and referred to the proposed regulation as an illegal attack on private property rights. He stated that previously in the year he had asked the Commission not to entertain these regulations. He stated that if regulations required particular plumbing fixtures it would "take away the freedom of choice from the citizens of Cochise County." He stated that since the regulations applied to "one class of homeowner" it took away their freedom, and was therefore an encroachment on all citizens' freedoms. Mr. Behnke then claimed that adopting the regulations would be a violation of Federal and State Constitutions and claimed that adopting the regulations "would benefit one or two members of the Cochise County government who were also on the Board of the Cochise Water Project." He claimed that this was a violation of the "oath of office to support and defend the Constitution", and expressed concern about freedoms "being nibbled away by an authoritarian County Government." (Prior to approval of this document, Mr. Behnke submitted a written statement to be attached. Attached as Item D.)

Ms. Jere Fredenburgh, of Sierra Vista, spoke in opposition. Ms. Fredenburgh supplied additional documents to the Commission. (Attached as Item C). Ms. Fredenburgh asserted that the regulations did not only affect new construction, but applied to existing homes. She urged "at a minimum" deletion of several sections of the proposed regulations pertaining to replacement of fixtures. She stated that these regulations would harm existing struggling home and business owners. Ms. Fredenburgh expressed concern about language pertaining to evaporative coolers and wondered if such existing coolers could be replaced and asked for clarification in writing. She also expressed concern about off-grid homes and manufactured homes, and stated that manufactured homes not being included created separate classes of homeowners. She also expressed concern that new homes be cooled by air conditioning, calling it financially onerous. She addressed concerns that water could drive Fort Huachuca to close by stating that the government may close it regardless, and placed the onus of water conservation on the City of Sierra Vista due to population density and water usage. Ms. Fredenburgh also disputed the need for the regulations based on information claiming that there was "2300 years worth of water" and that there "is no water emergency" and urged the Commission not to "jump to the City solution" but to "encourage conservation." She closed by expressing a concern that while the regulations were currently for the Sierra Vista Sub-watershed, they were intended to be adopted County-wide.

Ms. Joanne Daley, of Sierra Vista, spoke in opposition. Ms. Daley stated that the regulations would infringe on personal property rights and "our ability to make our own choices." She stated that she was a fairly recent homebuilder and noted that she had incorporated many of the proposed changes into her own home. She disputed Staff's concern that residents were not

careful with water and stated that everyone she knows in the County is “very conservative” with water and other uses. She also disputed that there was a water deficit, claiming that the figure given was old and that measures by the city and the Fort had reduced it. She also stated that the figures were only “guesstimates” based on standardized rather than actual figures. Ms. Daley stated that she felt the regulations were “useless” since appliances already complied with the regulations, noting that she knew this because she had unsuccessfully attempted to purchase and install units that did not comply. She asked the Commission to clarify several issues if the Commission did move the regulations forward. She also expressed concern about waterless urinals, noting that they can stink if not maintained. She also expressed concern about water fixtures, and claimed that the regulations required homeowners to install “commercial sprinkler systems.” Ms. Daley closed by referring to the landscaping requirements as “the camel’s nose under the tent,” stating that she felt the regulations were unnecessary and overregulation, stating that the regulations were “unconstitutional.”

There being no further speakers, Ms. Weissler then closed the Public Hearing and then called for Commission discussion. Mr. Bemis stated that he was in favor of water conservation but felt that “adopting these regulations and saving every drop of water we can, we are empowering more fragmentation of terrestrial and riparian ecosystems until we run out of water.” He expressed concern that “until we can do away with five-way splits of small acreage parcels, we are just empowering more development in the community.” He expressed concern that the small splits were concentrated in the Sub-watershed area and resulted in more wells and water usage. Mr. Bemis noted that such splits were not required to go through the subdivision process, which would require a certificate of water adequacy prior to issuance and stated that “we are shooting ourselves in the foot on the long term with this, and until the County can address three and five way splits” he would have to vote against it. Mr. Lynch and Ms. Weissler stated that they did not understand Mr. Bemis’ concerns. Mr. Bemis stated that he felt that he felt that lot splits must be controlled through a permitting process to manage water in the watershed. He stated “if we save every drop of water we can with the existing population so there’s more water to bring more people in to fragment and chop up more land.” He expressed concern that three way and five way splits on private properties had to be addressed. Mr. Lynch stated that he felt Mr. Bemis wanted more regulations to address the splits. Mr. Bemis stated the he felt different regulations were needed before the Commission considered these water conservation regulation, and that until split regulations were in place, the water regulations “have the potential to exacerbate the problem because as you conserve water, your neighbor can break up his parcel put more wells in and use more water.” Ms. Weissler asked how not saving water would solve the split problem. Mr. Bemis again stated that he wanted the County to address three and five way splits before he could entertain these regulations, and noted that the County had not yet addressed such splits. Mr. Turisk requested to offer clarification, explaining that lot splitting is governed at the State level and that the County does not have any oversight over the process and cannot regulate such splits. He reiterated that any change to lot split law must be done at the state level. Ms. Edie expressed concern that the regulations were called water conservation as long as the San Pedro River had mature cottonwood trees along its banks. She claimed that cottonwoods use 100 gallons of water an hour in the summer. She gave figures claiming that removing cottonwoods from the river would eliminate the water deficit. Ms. Weissler asked Ms. Edie if her proposal was to “remove all the trees and wreck the riparian area?” Ms. Edie answered that “you can’t ignore the San Pedro, and the water it is using on a daily basis” and then declare a water shortage

and say "it must be the humans that are doing it." She stated "it is the humans that are doing it, because they are allowing all those trees along the river."

She asserted that new cottonwood trees had been planted and had protective screens around them. Ms. Weissler questioned the assertion and asked for more information.

Ms. Weissler disagreed with the opponents of the regulations. She stated "the river and the riparian are the crown jewel of the County" and "are why people come here," and expressed concern about the health of the river. She noted photos in the presentation of the Santa Cruz River, pointing out that there were no trees along the Santa Cruz, nor any water in it. She clarified that the majority of the regulations pertained only to new construction and used common measures. She stated that the regulations did not "require people to use less" but rather "allow(ing) them to use less" and reiterated that the regulations pertained only to the overlay zone. Ms. Weissler noted that in the seven years since the overlay zone was created it had not expanded in any way, and urged a recommendation of approval to the Board.

Mr. Cervantes asked about a referenced amendment that would remove the requirements for remodels and Ms. Weissler clarified. Mr. Cervantes asked about incorporating other specific proposed changes. Mr. Lynch stated that he felt any such changes at this meeting would violate open meeting law as they had not been advertised, and urged a work session to discuss details of the regulations without trying to rewrite the regulations on the fly. Mr. Cervantes asked if adopted regulations could be amended at a later date. Ms. Weissler and Mr. Turisk concurred that such amendments could occur. Mr. Martzke agreed with Mr. Lynch's suggestion regarding a work session, and stated that he felt later amendments may not happen. He also expressed concern that there were trees using water, suggesting that native trees should be thinned to protect water, and moved to table the item for a work session. Ms. Weissler disagreed with tabling the item, stating that she felt the docket would be continually put off and stated that tabling the docket was "a delaying tactic." She stated that she felt it should go to the Board as written and let the Board make changes. She asked for verification that the regulations largely mirrored those of the City of Sierra Vista. Mr. Turisk verified that was the case, and added that the City of Bisbee was considering similar regulations and emphasized the potential seamlessness of the regulations as "water doesn't honor political or rural/urban boundaries." Mr. Cervantes asked about new home permits in the sub-watershed in the last year. Staff provided an approximate number of several dozen. Mr. Cervantes stated that the impact was therefore limited to a relatively small number of homes, and asked about provisions to aid people who could not afford required upgrades. Mr. Cervantes expounded on the savings that the changes could provide and explained the fixtures available and their lack of expense. He expressed concern that water was being shared, and noted that without the regulations neighbors could waste water. Mr. Martzke agreed with much of Mr. Cervantes' statements, but added that he felt it was the Commission's job to send a final document to the Board and agreed with the Work Session. Mr. Cervantes asked where the disagreement was. Mr. Martzke echoed Mr. Bemis and Ms. Edie, stating "a lot of other things could be done too to conserve water" and asked for more specifics. Mr. Martzke also expressed concern about the Zoning Inspector having authority over the regulations and asked again for more specifics in the regulations. Ms. Weissler summed up that some members felt the regulations were too general and others felt they were too specific, and that she did not understand. She stated that she felt the Commission should make a recommendation and leave it to the Board to set policy. She then called for the Planning

Director's summary and recommendation. Mr. Turisk recommended forwarding the docket to the Board of Supervisors with a recommendation of approval.

Ms. Weissler then called for a motion. Ms. Wilson noted that Mr. Martzke's motion to table the item for a Work Session was still on the table. Mr. Garcia seconded the motion on the table and Ms. Weissler called for a vote. Mr. Lynch asked for additional discussion. He then stated that he was in favor of conserving water and passing appropriate regulations to do so. He then stated that he felt arguments that adopting regulations to conserve natural resources are "somehow unconstitutional are specious and ridiculous," noting that "there are all manner of laws and regulations to make civilization work" and felt that any such arguments should be rejected "out of hand." He closed by stating that he felt the ordinance as presented needed more review. There being no further discussion, Ms. Weissler called for a vote, and the motion passed six to two, Ms. Weissler and Mr. Cervantes in opposition.

**Motion:** Motioned to table the docket to a Time Uncertain and hold a Work Session.

**Action:** Table to Time Uncertain and hold a Work Session.

**Moved by:** Mr. Martzke **Seconded by:** Mr. Garcia

**Vote:** Motion passed (**Summary:** Yes = 6, No = 2, Abstain = 0)

**Yes:** Mr. Martzke, Mr. Bemis, Ms. Edie, Mr. Lynch, Mr. Garcia, and Mr. Martzke.

**No:** Ms. Weissler and Mr. Cervantes

**Abstain:** 0

## **PLANNING DIRECTOR'S REPORT**

Ms. Weissler then called for the Planning Director's report.

Director Beverly Wilson informed the Commission that the Board of Supervisors had approved the changes to the zoning regulations heard previously by the Commission, with several changes, which Ms. Wilson detailed. She also explained that the AIRES Special Use docket had been appealed and the appeal subsequently withdrawn, and that the West Edge Special Use docket had been appealed, and the appeal rejected by the Board. She closed by noting that the next meeting would have one item, a Special Use for an equine-assisted living facility near Tombstone.

## **CALL TO COMMISSIONERS**

Ms. Weissler asked for further discussion. Mr. Lynch thanked the Herald for their article about the regulation docket and expressed concern in how dockets are advertised due to citizen complaints that they were not informed until the last minute. He asked for consideration of alternative notification methods.

## **ADJOURNMENT**

Mr. Lynch moved to adjourn, Mr. Martzke seconded and the meeting was adjourned at 5:32 p.m.



## Petition to Support Saint David Family Healthcare

This is a petition to solicit your support for the opening of Saint David Family Healthcare (SDFHC) to be located at 978 South Lee Street. SDFHC will provide general family practice medicine and home based healthcare services to the community of Saint David. Eventually the goal is to expand these services to include urgent care services (after hours 5-8 PM). Currently we are still in the early planning stages and we need your support to help obtain the Special Use zoning permits that will make this great opportunity possible.

Your signature as an indication of your support for this initiative will be presented to the Cochise County Planning and Zoning commission. Together we can improve this great community by bringing local, quality healthcare to St. David.

Thank you for your support!

NAME	ADDRESS	PHONE #	SIGNATURE
Julie Haymore	700 W. Star Dust Tr. St. David	480-818-0049	Julie Haymore
Ken Haymore	700 W. Star Dust Tr. St. David	480-25-8095	Ken Haymore
Lucien Montwing	29 S. Ewing St. St. David	520-720-8109	Lucien Montwing
Kathleen M Buehl	29 S. Ewing St. St. David	686-0380	Kathleen M Buehl
Christy Campbell	P.O. Box 588 St. David, AZ	221-0851	Christy Campbell
Andrew Krebs	123 E. Cochise Ave. St. David	520-265-4448	Andrew Krebs
Debra Crafts, RN	191 W. 5th St. Benson, AZ	520-362-5202	Debra Crafts, RN
Diane Heath	1558 W. Clearwater St. Benson, AZ	520-554-2079	Diane Heath
John K. Barber, MD	8144 E. 4th Pl, Tucson, AZ	857-8540 520-400-1927	John K. Barber, MD
Ora Goodman	324 W. Sibley Rd St. David	520-221-0955	Ora Goodman
CONSTANCE PROULX	408 W. KAHN RD, Cochise, AZ	520-686-0554	CONSTANCE PROULX
Margaret Anderson	478 Webster St. St. David, AZ	520-255-1092	Margaret Anderson
William Woodruff	450 S. Ocotillo St. Benson	520-440-7347	William Woodruff
Abby McEune	3200 Century Blvd	520-581-1111	Abby McEune
Jonathan W. Ashby	758 Mockingbird Hill, Tucson	586-3195	Jonathan W. Ashby



# Petition to Support Saint David Family Healthcare

This is a petition to solicit your support for the opening of Saint David Family Healthcare (SDFHC) to be located at 978 South Lee Street. SDFHC will provide general family practice medicine and home based healthcare services to the community of Saint David. Eventually the goal is to expand these services to include urgent care services (after hours 5-8 PM). Currently we are still in the early planning stages and we need your support to help obtain the Special Use zoning permits that will make this great opportunity possible.

Your signature as an indication of your support for this initiative will be presented to the Cochise County Planning and Zoning commission. Together we can improve this great community by bringing local, quality healthcare to St. David.

Thank you for your support!

NAME	ADDRESS	PHONE #	SIGNATURE
Kassie Garrett	510 E Van Ln St David	520-221-0571	Kassie Garrett
Dorothea Rider	151 South Miller Ln St David	520-720-4496	Dorothea Rider
Celestial Latham	20 S. Sibyl St. David	520 720 8504	Celestial Latham
Frank Hough	228 S. Lee St. St. David	520 255 8233	Frank Hough
Kelli Jones	226 W. Corral Dr. S.D.	520-720-4189	Kelli Jones
Shavree Buhler	277 W Corral Dr	520-720-9602	Shavree Buhler
Naomi Comer	350 W. Corral Dr	520-720-4128	Naomi Comer
R.A. Clamond	326 W Corral Dr	520-265-523	R.A. Clamond
Wayne Lambrecht	276 W Corral Dr	520-720-4028	Wayne Lambrecht
John Jones	250 W Corral Dr	520-720-9651	John Jones
Jan Jones	250 W Corral Dr	520-720-9651	Jan Jones
Angela Anderson	351 W Corral Ct.	520-240-4795	Angela Anderson
Albert Spencer	153 Merrill Dr.	520-650-1997	Albert Spencer
Alanna Spencer	153 Merrill Dr.	520-720-8055	Alanna Spencer
Green Mubell	300 W. Gilman Way	520-227-8911	Green Mubell
JC Smith	415 N. Sibyl Rd	520-720-4083	JC Smith

A

# Petition to Support Saint David Family Healthcare

This is a petition to solicit your support for the opening of Saint David Family Healthcare (SDFHC) to be located at 978 South Lee Street. SDFHC will provide general family practice medicine and home based healthcare services to the community of Saint David. Eventually the goal is to expand these services to include urgent care services (after hours 5-8 PM). Currently we are still in the early planning stages and we need your support to help obtain the Special Use zoning permits that will make this great opportunity possible.

Your signature as an indication of your support for this initiative will be presented to the Cochise County Planning and Zoning commission. Together we can improve this great community by bringing local, quality healthcare to St. David.

Thank you for your support!

NAME	ADDRESS	PHONE #	SIGNATURE
Susan Pollock	20804 433	720-4110	S Pollock
Janice Andes	324 W. Sibley	720-4526	Janice Andes
Lavee T. Mayberry	334 W. Sibley Rd,	720-4867	Lavee T Mayberry
Rachel M. Ramirez	203 N Sibley Rd.	721-0165	Rachel Ramirez
Steven Storch	283 Saint David	870-421-3621	Steven Storch
David Orlton	1023 S Grant Pl.	820-720-6005	David Orlton
David Orlton	1023 S. Grant Pl.	820-720-6005	Dorothy Orlton

## Turisk, Mike

---

**From:** David Grieshop [dgrieshop@icloud.com]  
**Sent:** Wednesday, November 06, 2013 2:12 PM  
**To:** Turisk, Mike  
**Subject:** Proposed Cochise County revised water policy conservation code changes / updates

Mr. Turisk:

This email commends the work the county planning department has done to update its water conservation code. As I understand it, the revisions essentially mirror what the city of Sierra Vista did earlier this year and will be applicable to the SV sub watershed located within the county itself. Such code revisions not only will save water but also energy in the grand scheme going forward - and, they can reduce new homeowner's annual life-cycle cost of home ownership.

During 2009-11, Sierra Vista discovered its existing homes wasted about 8K gallons of water annually while residents waited for hot water; or, about 4-7% of annual consumption. It's new water conservation code will cut that water waste by a minimum of 70 percent! When it comes to hot water in homes, such energy costs account for about 15-30 percent of the annual energy pie. You should appreciate the fact that hot water is between 40 and 68 times more energy intensive than cold water. This becomes even more important for home owners on private or shared wells.

Finally, I can appreciate the ebb and flow of the debate of such revisions. I wish the planning department and the county well as these revisions work their way through the approval process. In the final analysis, the revisions are in the financial and economic interest of county residents whether they understand this fact or not. Change is never easy.

David S. Grieshop  
Managing Partner  
Reality LLC

**Turisk, Mike**

---

**From:** Cathy Chouinard [ccfrench@cis-broadband.com]  
**Sent:** Monday, November 11, 2013 9:02 AM  
**To:** Turisk, Mike  
**Subject:** Proposed County Water/Landscaping Regulations

Mr. Turisk,

This email is to advise you that I oppose adoption of Sierra Vista style water regulations in Cochise County; these regulations infringe on my private property rights.  
Thank you for your time.

Cathy Chouinard  
Hereford, Arizona

Jere Fredenburgh  
3474 Atsina Dr;  
I am representing 45+ petitioners.

These regulations are not simply for new construction, they affect current homes and businesses.

I request that at a minimum you delete (1820-02) A6 and B10 on pages 28 and 30. Which state "in existing buildings or premises in which plumbing installations are to be replaced, such replacement SHALL comply....."

These regulations affect current home and business owners; many of whom are struggling in the current economy. Think of all the businesses on highway 92 that are empty.

I request clarification of (1820-02) A-3, page 28, which states "evaporative coolers: New single-family construction shall not offer evaporative....New or replacement evaporative coolers shall not be single-pass coolers."

It is unclear whether current homeowners (such as me and petitioners) with only evaporative cooling can replace or will be forced to install expensive air conditioning. Although I received clarification from Mike Turisk this afternoon I request that this clarification be made in writing before P & Z votes on these regulations, as the current language can be misinterpreted.

Additionally, how will the county handle homes with off-grid solar that does not support air conditioning; how will the county handle manufactured/mobile homes. (I receive an email from Mike Turisk this afternoon that stated MF homes do not fall under these water regulations – thus different treatment is applied to 'homes'; the off grid solution suggested only cools 150 sq. ft.)

Finally, requiring that all new construction have air conditioning is a financial hardship. Air conditioning adds substantial cost.

I know there is an argument that says we will 'lose the fort' if we don't meet a multitude of federal requirements.

C

(a) If the government chooses to close the fort, they will – period. Nothing we do will impact their decision.

(b) Sierra Vista has the population density, and water usage, they impact water; the county does not.

In response to the County's statements about water usage in general:

The P & Z packet (Section III Sub watershed, paragraph 4) (page 24) - states "the annual overdraft of the aquifer has reduced significantly from the 14,400 acre-ft. originally anticipated for 2009 to 5,100 acre-ft. today." Accomplished WITHOUT imposing Sierra Vista's rules on county residents.

The information available prior to the 2010 water district election said – "the ground water basin would last a minimum of 2300 years, based on the 'water district evaluation'." There is no water emergency.

<http://littlebigdog.net/WaterDistrictEval.htm>

Please do not 'jump' to the City 'solution'.

Continue the education process to encourage conservation; look at other related solutions – using 'spike' to reduce shrubbery and increases grasslands, (which slows runoff from paved areas); reduce the number of cottonwoods, (which suck up hundreds of gallons of water and release 50% back into the air.)

Please do not impose water regulations on existing homes and businesses.

Help me and the residents of the county to preserve personal property rights; and the rural nature of our county. We are not 'Sierra Vista south'.

A final thought "creeping normalcy" – the way a major negative change, which happens slowly in many unnoticed increments, is not perceived as objectionable'. – Today the sub-water shed, tomorrow all of Cochise county.

Thank you.



## 1820.02 Water Conservation Measures – Sierra Vista Sub-watershed Overlay Zone

The following water conservation measures shall be required of all residential and non-residential properties in the Sierra Vista Sub-watershed, as defined by the Arizona Department of Water Resources and delineated on County maps and, when a building permit is required, be subject to plan review and inspections:

### 2. New Construction – Residential

2.1. All new construction shall be required to comply with the following minimum requirements:

1. All toilets shall be WaterSense labeled.

2. The installation of a shower-head shall be on the exterior of the wall. The shower head shall be required to be installed for all new single-pass showerheads installed in the shower or other wall-to-wall location. The shower head shall be required to be installed for all new single-pass showerheads installed in the shower or other wall-to-wall location.

3. **Evaporative Coolers:** New single-pass construction shall not be required to install any source of cooling. The rate of unit cannot exceed 3% of the total water use of the building. New or replacement evaporative coolers shall not be single-pass coolers.

4. Water treatment, if installed, shall meet NSF/ANSI requirements.

5. Drinking water treatment, if installed, shall meet NSF/ANSI requirements and shall be installed at the point of use for all drinking water.

4.6. In existing buildings, a plan shall be submitted to the building department for review and approval. The plan shall comply with all code requirements for water-saving devices.

7. **Hot water on demand:** In new construction, a hot water system will be installed to provide hot water on demand at the point of use in sinks and baths/showers.

8. All hot water systems shall be WaterSense labeled. The following minimum requirements shall be required for all hot water systems:

- (1) Flow restrictor shall be installed on all showerheads.
- (2) Flow restrictor shall be installed on all faucets.
- (3) Flow restrictor shall be installed on all faucets.
- (4) Flow restrictor shall be installed on all faucets.
- (5) Flow restrictor shall be installed on all faucets.

9. The following shall apply to all hot water systems:

(1) The flow restrictor shall be installed on all showerheads.

(2) The flow restrictor shall be installed on all faucets.

(3) One of the following shall be required:

(a) WaterSense labeled.

(b) The flow restrictor shall be installed on all showerheads.

**4-5. Commercial Laundry Facilities:** All laundry facilities intended for public use such as laundromats, hotel guest laundries or multi-family housing laundry rooms will be equipped with Energy Star® qualified commercial clothes washers rated equal to or below the lowest current Energy Star® Water factor. This provision applies to initial establishment of new laundry facilities and on replacement of existing equipment due to normal wear and tear or other loss.

**2-6. The use of air-cooling misters is prohibited in commercial and industrial developments.**

**3-7. Water softeners, if installed, must meet NSF/ANSI requirements.**

**3. Drinking water treatment systems, if installed, shall meet NSF/ANSI requirements (such systems shall yield at least 85 gallons of treated water per 100 gallons processed).**

**4-9. All new multi-family development exceeding four units shall provide independent-unit metering for each dwelling unit.**

**6. Multi-family complexes providing 50 percent or less low- to moderate-income housing units, as defined by the federal office of Housing and Urban Development (HUD), may provide alternative water-saving device options in lieu of the use of independent-unit metering. The water meter shall be installed to show that an equivalent or greater water savings will be achieved.**

**7. Alternative water saving devices or systems may not be allowed in the following: (a) projects considered by the County Zoning Department to be located in the area of environmental sensitivity.**

**1. Storm water treatment systems shall be installed.**

**2. Storm water treatment systems shall be installed.**

**10. In existing buildings or structures in which artificial water features are in the building, such features shall comply with the following requirements:**

**11. Artificial Water Features:** New artificial water features such as ponds, lakes, water courses, and other types of decorative water features are prohibited in any new commercial construction or in common user areas of multi-family housing unless their sole source is harvested rainwater. This provision does not pertain to required storm water detention/retention facilities, holding ponds used for treated effluent being used for permitted irrigation purposes, or permitted swimming pools and spas. Multiple water features on the same property will be considered together to determine surface area. Flowing water used in fountains, waterfalls, and similar features shall be recirculated.

**12. Outdoor Sprinkler Systems:** Any new installation or replacement of an automatic outdoor sprinkler system shall also include the installation of a rain or humidity sensor that will override the irrigation cycle of the sprinkler system when rainfall has occurred in an amount sufficient to negate the need for irrigation at the scheduled time. Where there are multiple areas with a sprinkler system watered from one controller, the sensor must be installed at the largest area.

**13. Landscaping:** Any new landscaping proposing irrigation installation or re-installation in a median or similar strip of permeable surface less than fifteen feet in any horizontal dimension, adjacent to a roadway, sidewalk, parking area or other paved or impermeable area, shall be irrigated by a subsurface (drip), non-sprinkling irrigation system.



We the undersigned residents of Coconino County OPPOSE passage of  
Sierra Vista style water regulations in the county. We live in the county  
for a reason.

Signature/Name	Address	Date
Michael F. Hill	44012 N. M. Ave Scottsdale, AZ 85250	10/24/13
Charles & Deborah	1420 Camino Ranch, AZ 85255	10/24/13
Richard C. Baur	2624 TWINA WAY, SU. 12, AZ 85250	10/24/13
Bill Hill	2227 Mission Dr. SU. A2, AZ 85258	10/24/13
Don Simpson	5555 S. SHAWNEE, SU. 85250	10/24/13
Jimmy Dunger	5555 Shawnee Dr. SU. 85250	10/24/13
Mlanda Weber	716 E Allen Dr. Huachuca City, AZ 85601	10/24/13
Jeff Freasburg	3474 Arizona Dr. Scottsdale, AZ 85250	10/24/13
Don W. Lynch	8752 E. MUSTANG TR. #104, HENDERSON, AZ 85625	10/24/13
Donna Weber	3133 South MacKenzie Place, Scottsdale, AZ 85259	10/24/13
Edward H. Spawen	4859 W. GLEESON RD. ELIZONDA, AZ 85283	10/24/13
Michael F. Hill	4035 S. WILSON TR. Sierra Vista, AZ 85805	10/24/13
Michael F. Hill	5493 Otavie, Sierra Vista, AZ 85805	10/24/13

We the undersigned residents of Cochise County OPPOSE passage of Sierra Vista style water regulations in the county. We live in the county for a reason.

Signature/Name

Address

Date

Phillip G. Smith	2615 PRAGO TR. SIERRA VISTA	11.8.13
Paula Boyington	6802 HWY 90 Hereford AZ	11-8-13
Gregory B. Smith	236 S. Sky Ratched SIERRA VISTA AZ	11/9/13
Belinda Smith	236 S. Sky Ranch Rd. SV, AZ	11/9/13
<del>Don Simpson</del>	<del>5555 S. SHAWNEE DR. SIERRA VISTA AZ</del>	<del>11/9/13</del>
Virginia Simpson	" "	11-9-13
Dwight P. Belinda	1420 Gemini Ranch Sierra Vista AZ	11-9-13
John McManis	11064 S. CATTLE DR. HELEFORD AZ	11-9-13
Cathy Choumard	11064 S. CATTLE DR. HELEFORD AZ	11-9-13
Dorinda Calley	7789 E. SIERRA BONITA SIERRA VISTA	11-9-13
Gyromet Mayers	5624 S. 7th Hereford AZ	11-12-13
Witcher Heunauer	8721 S. Siesta Way Hereford AZ	11.12.13
<del>Don Simpson</del>	<del>5555 S. SHAWNEE DR. SIERRA VISTA AZ</del>	<del>11-12-13</del>

13

2/1/14



We the undersigned residents of Cochise County OPPOSE passage of Sierra Vista style water regulations in the county. We live in the county for a reason.

Signature/Name

# Address

Date \_\_\_\_\_

3 Aug 4 - Linda Fay Holmes

4040 S King Rd S.V. AZ 08 Nov 2013

2383 N. Arroyo Losa Rd, Maricopa City AZ 85138

Wendy Giley Wendt 1235 WTS Ranch Cochrise, AZ 85606

Michael Brisley

6231 E. Lark Ln Henderson 85615

~~W. J. Foster III~~ 478 E Allen Ln. Lakestone AZ 85616 11/11/13

Nov 11/1/13 Moving to Whitstone in 6 mo!

2

We the undersigned residents of Cochise County OPPOSE passage of  
Sierra Vista style water regulations in the county. We live in the county  
for a reason.

Signature/Name

Address

Date

Danica Stinger

3423 Atsina, Sierra Vista, AZ 85650-10-20-13

Alberta

3400 ATSIMADA, Sierra Vista, AZ 85650-10-20-13

Barbara Reed

3400 Atsina Dr. Sierra Vista AZ 85650-10-20-13

Karin Kuhnert

8139 So. Downy St. Hurford AZ 85645

~~John~~ ~~Stinger~~

5155 E DAVIS ST HERFORD AZ 85645

William C. Smith

7229 S. Land Grant Rd. Herford, AZ 85645

James C. Smith

Future Address ATSIMA/CHEROKEE, SV, 85600

John C. Smith

3845 ATSIMA DR, Sierra Vista AZ 85650

John C. Smith

3545 Atsina Dr, Sierra Vista AZ 85650



The Federal and State Constitutions declare we have a government of the people, by the people and for the people. Life and liberty are secure as long as the right of property is secure. Today your proposed building codes are attacking these rights.

I quote from the State Constitution; "Political Power; purpose of government. Section 2. All political power is inherent in the people, and governments derive their just powers from the consent of the governed, and are established to protect and maintain individual rights." Let me repeat, governments are established **to protect and maintain individual rights.**

So as a citizen of the State of Arizona and of Cochise County I have my freedoms guaranteed by the both Federal and State Constitutions. And all of the Citizens of Cochise County have these same freedoms of rights. Earlier this year I asked you not to restrict these freedoms. Yet today you are considering building codes that in fact do restrict their freedom. When you take away my choice on the use of an evaporative cooler or type of toilet, you take away that freedom of choice I have and share with the people in Cochise County. You tell me that a certain class of homeowners cannot install evaporative coolers, must have toilets with a certain discharge flow, and must configure the plumbing in their house in a specific manner. In doing so, you have taken away their freedom. A government encroachment on one class of citizen is an encroachment on every citizen. In taking this action, you are not maintaining and protecting individual rights. No, you are restricting them! Your governmental actions are not of, by, and for the people and you are violating the both the state and Federal Constitutions. Furthermore, you are taking actions that will personally benefit one or two members of the Cochise County Government who are also on the staff of the Cochise Water Project. And for one of these persons it directly violates the oath of office to support and defend these constitutions. I urge you now to scrutinize the building codes you have proposed and see if they maintain and protect the freedoms the people currently have! Give the people of Cochise County free choices in their implementation. Do not mandate a single course of action. Take a stand for the people, that our freedoms are not nibbled away by an authoritarian county government. The cause of conservation, while a good cause, it does not trump the higher, noble cause of freedom. Conservation is not mentioned in our constitutions. You can still offer these conservation measures as best choices but do not mandate them upon the people without a referendum. You are compelled by the state constitution and oath office to protect and maintain individual rights! This code does not do that!

Thank You

Douglas Behnke